Mr. DEPUTY SPEAKER.—The Copies of the Statement by the Chief Minister will be distributed to all the members. Now the House will adjourn and will meet after half-an-hour.

The House rose at Ten Minutes past Three of the Clock to re-assemble at Forty Minutes past Three of the Clock.

The House re-assembled at Forty-five Minutes past Three of the Clock.

[Mr. DEPUTY SPEAKER in the Chair]

MYSORE STATE LEGISLATURE PROCEEDINGS (PROTECTION OF PUBLICATION) BILL, 1966.

(as passed by the Legislative Council)

(Motion to consider)

Sri K. PUTTASWAMY.—I beg to move :

"That the Mysore State Legislature Proceedings (Protection of Publication) Bill, 1966, as passed by the Legislative Council, be taken into consideration."

Mr. DEPUTY SPEAKER.—Motion moved :

"That the Mysore State Legislature Proceedings (Protection of Publication) Bill, 1966, as passed by the Legislative Council, be taken into consideration."

Sri K. PUTTASWAMY.—Sir, this is a very short Bill but very important Bill as far as the Press is concerned. The Central Legislature have passed the Parliamentary Proceedings (Protection of Publication) Act, 1956 (Central Act 24 of 1956) and that protects the publication in a newspaper of a substantially true report of any proceedings of either House of Parliament unless the publication is proved to have been made with malice or unless the publication is not for the public good. It also protects reports or matters broadcast by means of wireless telegraphy as part of any programme or service provided by means of broadcasting station situated in India. In the State, we do not have any such Bill. The Standing Committee of the All India Newspapers Editors Conference has recommended the enactment of a similar law by the State Legislatures so that the Press in the States may function more freely. It is also considered necessary to undertake legislation on the lines of the Central Act. This short Act has been passed by the Upper House. Now it is placed before this House for consideration.

(SRI K. PUTTASWAMY)

Sir, under the present law, as it stands, the publication of any Newspaper of the proceedings of the legislature is not protected. You are aware, Sir, in the Indian Penal Code there are so many exceptions from the law of defamation and the publication of the proceedings of the legislature is not given any exception from the law of defamation. Unless a law is passed giving protection to the Press, it is likely that the Press may come into certain difficulties. Sir, the Press performs a very important service to the public by publishing the proceedings of the legislature. The public in general can only come to know of the deliberations of the legislature through the Press. Hon.Members of the House have certain immunities for the statements they are going to make on the floor of the House. As it stands, the same immunity is not enjoyed by the Press. The Press, *bona fide* may publish the proceedings of the legislature and they may be called upon to answer any such publication in courts of law. In order to give this protection to the Press, the short Bill is introduced and I am sure that this is a Bill which is not at all controversial and it will receive support from all quarters of this House.

† **Sri K. H. PATIL** (Gadag).—Sri, I support the Bill that has been moved by the hon. Minister. I am glad that Sri K. Puttaswamy among all other things which the Government is doing contrary to the interest of the public, at least has moved this Bill and we all support the Bill heartily. As he rightly pointed out, there is no controversy over this Bill and it has the support of all the members of the Opposition. I only requeet the members of the Treasury Benches that such liberty should be given to the Press not only pertaining to proceedings of this House but also to see that more and more liberty is given to the Press while publishing matters with a view to purify the administration of Government.

† ಶ್ರೀ ಎಂ. ನಾಗಪ್ಪ (ರಾಯಚೂರು).—ಸನ್ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಮೈಸೂರು ಸ್ಟೇಟ್ ಲೆಜಿಸ್ಲೇಚರ್ ಪ್ರೊಸೀಡಿಂಗ್ಸ್ (ಪ್ರೊಟೆಕ್ಷನ್ ಆಫ್ ಪಬ್ಲಿಕೇಷನ್) ಬಿಲ್, 1966 ಏನಿದೆ ಇದು ಪ್ರಗತಿಪರವಾದಂಥ ಮಸೂದೆ. ಇದನ್ನು ಸರ್ಕಾರದವರು ಈ ಸಭೆಯಲ್ಲಿ ತಂದುದು ಬಹಳ ಸ್ವಾಗತಾರ್ಹವಾದುದು.

ಎರಡನೆಯದಾಗಿ ಕ್ಲಾಜು 3 ರಲ್ಲಿ Unless the publication is proved to have been made with malice ಎಂದು ಹೇಳಿದೆ. ಅದರಲ್ಲಿ ಮೃಲೀಸ್ ಎಂಬ ಪದಕ್ಕೆ ಸರ್ಕಾರದವರು ಇನ್ನಷ್ಟು ಎಕ್ಸ್‌ಪ್ಲನೇಷನನ್ನು ಕೊಟ್ಟು ಅದಕ್ಕೆ ಬೇರೆ ರೂಪದಲ್ಲಯಾಗಲೀ ಒಂದು ಡೆಫಿನಿಷನ್ ಕೊಟ್ಟಿದ್ದರೆ ಚೆನ್ನಾಗಿತ್ತು. ಏಕೆಂದರೆ ಇನ್ನೂ ಹೆಚ್ಚಿಗೆ ಅವರ ಹಕ್ಕುಬಾಧ್ಯತೆಗಳನ್ನು ಪ್ರೊಟೆಕ್ಟ್ ಮಾಡುವುದಕ್ಕೆ ಅನುಕೂಲವಾಗುತ್ತಿತ್ತು. ಅದರ ಬಗ್ಗೆ ಇಲ್ಲಸ್ಟ್ರೇಷನ್ ಕೊಟ್ಟು ಎಕ್ಸ್‌ಪ್ಲನೇಷನ್ ಇದರಲ್ಲಿ ಮಾಡಿದ್ದರೆ ಹೆಚ್ಚಿನ ಅಧಿಕಾರ ಇನ್ನೂ ಸಿಗುತ್ತಿತ್ತು ಎಂಬುದಾಗಿ ನಾನು ಭಾವಿಸುತ್ತೇನೆ. ಆದರೂ ಸರ್ಕಾರದವರು ಈ ಸಭೆಯಲ್ಲಿ ಮಂಡಿಸಿದಂಥ ಮಸೂದೆ ಬಹಳ ಸ್ವಾಗತಾರ್ಹವಾದುದು. ಇಂತಹ ಒಂದು ಕಾಯಿದೆಯನ್ನು ಈಗಾಗಲೇ ಪಾರ್ಲಮೆಂಟ್ ಮಾಡಿದೆ. 1966ರಲ್ಲಿ ಅಲ್ಲಿ ಪಾಸ್ ಮಾಡಿದಮೇಲೆ ಈಗ ಇಲ್ಲಿಯೂ ಆ ಮಸೂದೆಯನ್ನು ತಂದಿದ್ದಾರೆ. ಪಾರ್ಲಮೆಂಟನವರು ಮಾಡಿದ ರೀತಿಯಲ್ಲಿ ಇವರೂ ಅನುಸರಿಸಿ ಕೂಡಲೇ ಅಡಾಪ್ಟ್ ಮಾಡಿದ್ದರೆ ಈಗಾಗಲೇ ಈ ಮಸೂದೆ ಇಲ್ಲಿಯೂ ಜಾರಿಗೆ ಬಂದು 8—10 ವರ್ಷಗಳು

ಆಗುತ್ತಿತ್ತು. ತಡವಾದರೂ, ಈಗಲಾದರೂ ಎಚ್ಚೆತ್ತು ಈ ಮಸೂದೆಯನ್ನು ಈ ಸಭೆಯಲ್ಲಿ ತಂದಿರುವುದರಿಂದ ಈ ಮಸೂದೆಯನ್ನು ಹೃತ್ಪೂರ್ವಕವಾಗಿ ಸ್ವಾಗತಿಸಿ, ಇದಕ್ಕೆ ಪೂರ್ಣ ಬೆಂಬಲವನ್ನು ಕೊಡುತ್ತೇನೆ.

† Sri BOLA RAGHURAM SHETTY (Karkal).—Mr. Speaker, I support the Bill on general principles. But I submit that there are certain features in the Bill which are not for the good and the freedom of the Press. Section 3 (2) reads :

> "(2) Nothing in sub-section (1) shall be construed as protecting the publication of any matter, the publication of which is not for the public good".

What is public good is not defined. So, there is a discretion for the authority to decide what is public good. There is much scope for the ruling party to misuse the word 'public good'. Suppose a paper does not support the party in power, if that paper publishes the proceedings of the Assembly which is substantially true and correct, even then there is a handle for the Government to take steps against such a paper. So, I submit that the word 'public good' is not necessary. It has to be removed.

In the definition clause "newspaper" is defined.

> "Newspaper" means any printed periodical work containing public news or comments on public news, and includes a news-agency supplying material for publication in a newspaper."

Supposing the proceedings of a House is published in a hand-bill or on a cinema slide. In that case, there is no protection for such publication. So, the definition of newspaper is not necessary and that word "newspaper" in section 3 should be removed. With these objections, I support the Bill on general principles.

4-00 P.M.

†Sri D. B. KALMANKAR (Aland).—Mr Speaker, I welcome this Bill being of a progressive nature. I am one of those who think that this Bill should have come earlier. Why the Government has delayed in bringing forward this Bill, is not understandable. Anyway as it has come now I welcome it wholeheartedly.

As has been suggested by the hon'ble member, the definition of the word newspap r is not comprehensive enough. It only includes some printed periodical work. It should have been more comprehensive. Even the pamphlets or boo lets or others which supply the contents of the proceedings should have been included. Even they are also published in public good. The only requirement is, that it should be substantially correct. I fail to understand the meaning of the words "unless the publication is proved to have been made with malice". As is well-known, this body is a sovereign body and all the members of this House are not

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subject to the liabilities that may arise in a court of law according to the Constitution and rules of procedure. The hon'ble members of this House are at liberty to say whatever they want to say and whatever they say is in the interest of the public good. Whatever we say here is in the interest of the public good and so my submission is that the words "unless a publication is proved to have been made with malice" might be struck off. Whatever is done in this House is for the good of the people because we are here as representatives of the people. We are elected by the people and we represent their problems and grievances. So, to say "that unless publication is proved to have been made with malice", is not correct.

Secondly, it appears that this is purposely inserted so that some periodicals which may choose to give the account of the proceedings of this House which may not be favourable to the party in power are harassed. There may be some speeches delivered here which may go against the ruling party. So in order to make such periodicals which are critical of the omissions and commissions of the Government liable for action, this clause is put in. My submission is that the press is the fourth estate and it must have unfettered freedom. This clause gives the Government some arbitrary powers to strike off some of the periodicals which may appear to be not working for them.

Thirdly, this includes news agency and it is good.

With these observations I welcome this Bill.

†SRI V. N. PATIL (Humnabad).--The Bill that is introduced deserves to be welcomed and it requires some encouragement. Still I feel there are some loopholes in the Bill and if they are not plugged in time, there is the possibility of their being misused. I am using the word "loophole" deliberately because recently we have come across a few noblest possible decisions. Pious decisions were taken during the National Integration Council Meeting at Srinagar. Out of those decisions one worst thing for our democracy is one that relates to the press. One of the pious decisions was to curb some of the papers which were doing anti-social propaganda work. For some injustice done to Harijans in Andhra, these papers were taken to task and their publicity was withdrawn and they were blacklisted. Here, in this Bill we have two possibilities. Nobody knows what the framers had in their mind about the meaning of the words "public good'. It can be interpreted in several ways. Sometimes if a word is used which is not for the furtherance of the interests of the ruling party or if those papers oppose the policies or expose some of the weaknesses, they may harass such papers. So it is necessary to define what is "public good." I support this Bill and at the same time I request the Government to look into the matter and make it more comprehensive and exhaustive. It is very necessary to define what is "public good."

Again the words "substantially true report" have been mentioned. Can we draw a hard and fast line? If in what has been said here in the House, some words are omitted and reported, the spirit of what is said will still be there, but some words may not be there. What should happen? There is the possibility of conflict and if it is interpreted as substantially untrue report, what should happen? These possibilities are there and it can be misused to curb Press which unfortunately may not be in the good books of the ruling party. On this basis I say that these two things have to be well defined. These two things make liable a particular press or journalist for being punished. Before punishment is given the criminal law requires that he must know what offence is committed.

These are the two lacunae and if they are not remedied it will result in unnecessary harassment and the Bill instead of doing good, may result as a tool to do some possible mischief. It is necessary in the interest of fair press that these two things are explained.

With these suggestions I request the Minister to incorporate in the definition clause the explanation for these two words.

† SRI L. SRIKANTAIAH (Nanjangud).—I welcome this Bill. I have heard with patience some of the comments made by some of my learned colleagues. In the first place it must be submitted that the fear expressed by my learned friends that the Bill has not defined their concept of public good is not tenable. The object of the Bill is to accord protection to the Press while publishing the proceedings of this House. While that is the main object of this Bill, naturally the burden is cast on the person to show that the publication is not in the interest of public good. We know quite well that the concept of public good cannot be defined at all. At best the court can, taking all the circumtances into consideration, decide what is for public good and what is not for public good. It is for the person to prove that what has been published in the Press is not for the public good. Therefore, naturally the Bill has cast that burden of proof on the person who alleges that the report that has been published is not in the interests of public good.

Likewise there is also the proviso to clause 3, namely "unless the publication is proved to have been made with malice.' Here again the Bill has justly thrown the burden of proof on the person who alleges that the report has been made with malice. The word "malice" has been judicially defined and it need not find a place in the Bill itself.

Then, Sir, this Bill has brought forward on the recommendation of the All-India Newspaper Editors' Conference to accord protection to the publication made of the proceedings of this House.

A comment was made about the use of the expression "substantially true report of any proceedings". In fact, if we go through the proceedings of the Upper House, a serious comment was made there about this expression. Some members have said that it must be a literal

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report and some others suggested that it must be an exact report. It must be noted that the proceedings of the House occupy volumes where different varieties and divergences of opinion find expression. In a small paper of 6 to 8 pages it is very difficult to give an exact reproduction of the proceedings that take place in the House. At best it depends upon the skill and ability of the reporter who can sum up the proceedings of the House. Fortunately this clause has got a rider that the report in the press by the reporter must be substantially a true report. I think this qualification suffices and it is a good guarantee that the proceedings of the House have been reported well.

Another comment was also made by my learned colleagues to the effect, what is to happen to those who publish small pamphlets and cinema slides. This Bill is not intended for them. This Bill is only meant to give protection to those who want to report the proceedings of this House through the Press. Others who want to report the proceedings of this House either in the form of pamphlets or through cinema slides must take the consequences of law because this is an exclusive privilege granted to journalists and not for any outsider. If they transgress the law, well the Indian Penal Code and the Law of Torts and the rest of the laws in the country will take care of them.

With this observation I think the criticism made against this Bill is not well-founded. I welcome this Bill.

†SRI S. S. SHETTAR (Hubli).—Mr. Speaker, Sir, once it so happened when I spoke on the floor of the House about the Mysore Lamp Factory, I had to speak about branding of the bulbs by them when I said that if they were of inferior quality they were branded in the name of Mysore Lamp Factory. This factory is having foreign collaboration. When I spoke of this some of the papers reported this fact. Then one of the papers was called upon by the management of the factory as to why such a report was published. I understand that a member who speaks on the floor of this House is protected. Sometimes if he speaks the same thing outside the floor of the Assembly he will not be protected. There are so many such instances. Likewise if some of the newspapers publish a true report, even then they apprehend some danger that they would be prosecuted in a court of law. So I consider that in such cases it is better and even right to protect the papers also if they publish a substantially true report of the proceedings of the Assembly. It is as good as protecting them also when they publish a substantially true report.

I also share the views expressed about the wording in sub-clause (2) namely "public good." It may affect the freedom of the Press. It is indirectly taking away the existing right of the Press. I understand that the general law contained in the Indian Penal Code is more clear. Whenever a substantially true report of any proceedings is

published it will not amount to defamation or it will not amount to crime. Here in this Bill this particular word has been qualified. The question is whether this qualification would amount to a limitation of the rights which already exist with the press and whether it is within the discretion of the person who publishes a substantially true report or whether it is within the discretion of the prosecution which considers that it is not n public good. This aspect has to be considered carefully because the prosecution may think that it is not in public good but the person who publishes a substantially true report may consider that it is in public good. This is the sort of confusion that has been created. Let the Government remove this confusion by clarifying the point as to whether it is in the discretion of the person who publishes it to judge whether it is in public good. If he considers that it is in public good, then it should not be considered as harming the interests of the public at all. I hope the Minister will accept this suggestion and remove this lacuna in the Bill.

†Sri K. PUTTASWAMY.—Sir, I am very grateful to the hon'ble members who have participated in the debate and offered their comments on this short Bill. There seems to be some misapprehension in some quarters of this House that this Bill is intended to regulate the relationship of the Government with the Press. I want to make an admission on this occasion that the relationship between the Governmene and the Press has throughout been very cordial in this State. What it sought to be done in this Bill is to extend protection to the Press fos publication of the proceedings of this House in newspapers and also in matters which are broadcast by means of wireless, telegraphically.

Sir, while considering this Bill we should not forget that even the citizen who is outside the Legislature has a very valuable right and he has the right to seek such protection as is necessary. Under section 499 of the Indian Penal Code, dealing with the ordinary law of defamation, there are certain exceptions. The hon'ble members drew the attention of this House to the use of the words "public good" and "substantially true report", and the word "malice". They seem to feel that these words require better definition. Perhaps if the hon'ble members go through section 499 of the Indian Penal Code they will come to know that these or similar words are used in that section. The words 'substantially true report' come in the fourth exception to section 499. What is substantially true and what is not substantially true—these matters have been interpreted by courts for several years. Therefore, it is not very necessary for us to define what is substantially true and what is not substantially true. Even if we are to make an attempt, I do not think it would be possible for this House to define this phrase beyond any doubt. As I submitted earlier, the citizen who is outside has the right to expect certain protection to his interest also. The hon'ble Members of this House enjoy immunities under article 194, but we are all aware that we do not enjoy the same immunities for statements that we make outside this House. Even a member of this House or a member

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of Parliament is not given any protection for statements that he makes outside the Legislature or Parliament; he is only given protection by the Constitution for what he says in this House. Now, what is to happen if matters relating to a citizen of this country are published in the newspaper and how is he to protect his interest? Here Government does not come into the picture; it is a matter between the Press and the citizen who feels that he is affected. When is it that the Press will get protection? When the publication in a newspaper is a substantially true report of the proceedings of this House, the Press has protection.

The hon. Members drew pointed attention to the word 'malice'. Here it is for the person who complains against the Press, who takes proceedings in a criminal court against the Press, to prove that the matter published in the Press is published out of malice. How difficult it is to prove this? Some of the hon. Members who are practising in criminal courts are aware of it. It is almost impossible to attribute motive and establish malice when the matter published in the Press is substantially true. What the Press has to take care of is whether the matter published is substantially true. For more than twenty years after we attained freedom legislatures have functioned and matters have been published in the Press and I have not come across even one instance in our State where the Press has been proceeded against for publication of the proceedings of the House in the newspapers.

Some members pointed out that the protection which is given to the newspapers is not given to the handbills and cinema slides. Why protection should be given to handbills and cinema slides or posters, I fail to understand. Do we want what we say here to be published in the newspapers as propaganda material? And if anybody does so, he will have to take the consequences of such publication under the ordinary law. It is not intended to protect the interest of a person who evinces more interest than what is necessary in trying to publish the proceedings of both the Houses of Legislature. I may, however, assure that this Bill has been brought, though late, with the best of motives. We want to give that protection which is very necessary for the Press to function very freely and fearlessly and I am glad that all sections of the House have accorded their support to this Bill. I request that this Bill be passed unanimously.

MR. DEPUTY SPEAKER.—The question is:

"That the Mysore State Legislature Proceedings (Protection of Publication) Bill, 1966, as passed by the Legislative Council, be taken into consideration."

The motion was adopted.

Mr. DEPUTY SPEAKER.—The question is :

" That clauses 2 to 4 both inclusive stand part of the Bill."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

Mr. DEPUTY SPEAKER.—The question is :

" That clause 1, the title and the preamble stand part of the Bill."

The motion was adopted.

Clause 1, the title and the preamble were added to the Bill.

Motion to pass.

Sri K. PUTTASWAMY.—Sir, I beg to move :

" That the Mysore State Legislature Proceedings (Protection of Publication) Bill, 1966, as passed by the Legislative Council be passed."

Mr. DEPUTY SPEAKER.—The question is :

" That the Mysore State Legislature Proceedings (Protection of Publication) Bill, 1966, as passed by the Legislative Council, be passed."

The motion was adopted

MYSORE AGRICULTURAL PESTS AND DISEASES BILL, 1967 AS REPORTED BY THE JOINT SELECT COMMITTEE.

(*Motion to Consider*)

Sri D. B. PAWAR (Deputy Minister for Agriculture).—Sir I beg to move :

"That the Mysore Agricultural Pests and Diseases Bill, 1967, as reported by the Joint Select Committee, be taken into consideration."

Mr. DEPUTY SPEAKER.—Motion moved :

" That the Mysore Agricultural Pests and Diseases Bill, 1967, as reported by the Joint Select Committee, be taken into consideration."